



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



in reply refer to  
AFWFO

March 30, 2006

Ms Christie M. Kearney  
Alaska Railroad Corp.  
PO Box 107500  
Anchorage, Alaska 99501

Re: Numerous projects along the Alaska Railroad corridor (consultation number **2006126**)

Dear Ms Kearney,

On March 30, 2006, we received your request for concurrence regarding effects to threatened or endangered species and/or critical habitat by proposed construction projects within the Alaska Railroad corridor. As you noted, the Alaska Railroad (ARR) inholdings are almost entirely outside the ranges of all Alaska listed species. In Whittier and in Seward, ARR has inholdings that may overlap with the distribution of the Kittlitz's murrelet, a candidate species. However, the ARR inholdings in these locations do not appear to be suitable habitat for this species for the reasons noted in your March 21, 2006, letter. Consequently, the Service concurs with your determination that the proposed projects will have no affect on listed species. Preparation of a biological assessment or further consultation under section 7 of the Endangered Species Act regarding this project is not necessary at this time. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated.

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, or Bald and Golden Eagle Protection Act.

This concludes section 7 consultation on the ARR 2006 proposed construction projects within the ARR right of way corridor. Thank you for your cooperation in meeting our joint responsibilities under section 7 of the Endangered Species Act.

If you have any questions, please contact me at (907) 271-2778. In future correspondences regarding this project please refer to consultation number 2006126.

Sincerely,

Gregory R. Balogh  
Endangered Species Biologist

**Christie Kearney - Re: ESA and MMPA Species Information Request**

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**From:** "Erika Phillips" <Erika.Phillips@noaa.gov>  
**To:** Christie Kearney <KearneyC@akrr.com>  
**Date:** 4/3/2006 1:44:42 PM  
**Subject:** Re: ESA and MMPA Species Information Request  
**CC:** Sasha Forland <ForlandS@akrr.com>, Barbara Hotchkin <Hotchkinb@akrr.com>

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Christie,

Thanks -- the scope of your project area is clear. The map you included with your request letter sufficiently described the potential project areas and provided a good overview of the railroad alignment.

As long as Alaska Railroad Corporation determines that its upcoming project(s) will not affect marine mammal species under NMFS' jurisdiction, you are not required to consult further with our office, regardless of where the projects will occur. However, if you determine that some aspect of your proposed projects will affect marine mammals, please contact us to initiate consultation.

Thanks,  
Erika

Christie Kearney wrote:

Erika,  
I wanted to clarify that my ESA-review request pertained to projects along the entire Alaska Railroad right-of-way and land reserves from Seward (Resurrection Bay) to Whittier (Passage Canal) to Anchorage (including along Cook Inlet/Knik Arm) to Fairbanks. We will consult with your office when we have projects that would affect these major bodies of water in Seward, Whittier, and along Turnagain Arm that may affect ESA-listed species in your jurisdiction.

Please confirm that Seward, Whittier, and Turnagain Arm would be the only areas along the Alaska Railroad that we would need to consult with your office about ESA and Marine Mammal Protection.

Thank you,

Christie Kearney  
Environmental Permits Analyst

Alaska Railroad Corporation  
907-265-2376 (office)  
907-441-9129 (cell)  
907-265-2595 (fax)

>>> "Erika Phillips" <Erika.Phillips@noaa.gov> 04/03/06 8:42 AM >>>  
Ms. Kearney,

NMFS has reviewed your request for information on ESA-listed species' occurrences in the Turnagain Arm and Knik Arm project areas. According to our species distribution information, the following species may occur in the vicinity: Cook Inlet beluga whales, humpback whales and Steller sea lions. If Alaska Railroad Corporation has determined that the



# ALASKA RAILROAD CORPORATION



Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510  
327 Ship Creek Avenue, Anchorage, Alaska 99501

**Engineering Services**  
Telephone: (907) 265-2376  
Facsimile: (907) 265-2595  
e-mail: kearneyc@akrr.com

March 21, 2006

James Balsiger  
NOAA Fisheries, NMFS – Alaska Region  
Protected Resources Division  
P.O. Box 21668  
Juneau, AK 99802-1668

Subject: Endangered Species Act and Marine Mammal Protection Act Determination  
Alaska Railroad Right-of-Way and Land Reserves

Dear Mr. Balsiger:

Every year, the Alaska Railroad Corporation (ARRC) receives funding from the Federal Transit Administration and the Federal Railroad Administration for numerous projects along the railroad corridor. The Endangered Species Act (ESA) and the Marine Mammal Protection Act require Federal agencies to participate in endangered species and marine mammal conservation through consultation. This letter requests your concurrence with our determination regarding potential impacts to endangered, threatened, proposed, and candidate species and marine mammals and their habitats within the ARRC right-of-way (ROW) and land reserves under your jurisdiction.

The ARRC generally has a 200-foot ROW centered on the railroad tracks. ARRC also has land reserves across the state that are much larger. The attached maps detail the location of the railroad and railroad reserves within Alaska.

We have reviewed the U.S. Fish and Wildlife Service's (USFWS) unpublished list titled *Endangered, Threatened, Proposed, Candidate, and Delisted Species in Alaska, February 2006* from the USFWS-Region 7 website (attached). Based on information on the known ranges of those species under management by NMFS, several of the listed endangered, threatened, or candidate species or their range in Alaska would be expected to occur near limited areas of the Alaska Railroad ROW and land reserves. These areas include nearshore ARRC facilities in Seward, Whittier, and along Turnagain Arm. The listed species that may occur in or near these areas include blue whales, fin whales, humpback whales, North Pacific right whales, sperm whales, sei whales, leatherback sea turtles, steller sea lions, loggerhead sea turtles, green sea turtles, and Cook Inlet beluga whales. When projects with in-water work occur along these three areas, additional consultation will occur with your office.

Based on this information, it is our determination that projects in the ARRC ROW and land reserves, with the exception of in-water work in Seward, Whittier, and Turnagain Arm, will not affect threatened, endangered, proposed, or candidate species or their known ranges. Please

Mr. James Balsiger  
March 21, 2006  
Page 2

provide a response indicating whether you concur with this finding. We will apply your determination to all railroad projects except those with in-water work in Seward, Whittier, and along Turnagain Arm. If the listed species or ranges change with potential to be impacted by ARRC, we will initiate consultation with your office once again. If projects are proposed with in-water work in Seward, Whittier, or along Turnagain Arm, ARRC will initiate consultation with your office specific to that project.

We are also contacting the USFWS for consultation regarding threatened and endangered species in their jurisdiction. Thank you for your assistance. Please contact me at (907) 265-2376 or Barbara Hotchkin at (907) 265-2313 if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Christie M. Kearney". The signature is written in dark ink and is positioned above the typed name.

Christie M. Kearney  
Environmental Permits Analyst

Attachments

# ALASKA RAILROAD CORPORATION



Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510  
327 Ship Creek Avenue, Anchorage, Alaska 99501

**Engineering Services**  
Telephone: (907) 265-2376  
Facsimile: (907) 265-2595  
e-mail: kearneyc@akrr.com

March 21, 2006

Michael Roy  
Endangered Species Coordinator  
U.S. Fish and Wildlife Field Office  
1011 East Tudor Road, MS 361  
Anchorage, AK 99503

Subject: Threatened and Endangered Species Determination and Request for Concurrence  
Alaska Railroad Right-of-Way and Land Reserves

Dear Mr. Roy:

Every year, the Alaska Railroad Corporation (ARRC) receives funding from the Federal Transit Administration and the Federal Railroad Administration for numerous projects along the railroad corridor. Section 7 of the Endangered Species Act requires Federal agencies to participate in endangered species conservation through consultation. This letter requests your concurrence with our determination regarding potential impacts to endangered, threatened, proposed, and candidate species and their habitats within the ARRC right-of-way (ROW) and land reserves.

The ARRC generally has a 200-foot ROW centered on the railroad tracks. ARRC also has land reserves across the state that are much larger. The attached maps detail the location of the railroad and railroad reserves within Alaska.

We have reviewed the U.S. Fish and Wildlife Service's (USFWS) unpublished list titled *Endangered, Threatened, Proposed, Candidate, and Delisted Species in Alaska, February 2006* from the USFWS-Region 7 website (attached). Based on information on the known ranges of those species under management by USFWS, none of the listed endangered or threatened species or their critical habitat would be expected to occur within the Alaska Railroad ROW or land reserves as shown on the attached maps. There are no proposed species included on the list. The listed candidate species, Kittletz's murrelet (*Brachyramphus brevirostris*), has a documented range of coastal waters in southern and northwestern Alaska which could potentially include our land reserve in Seward.

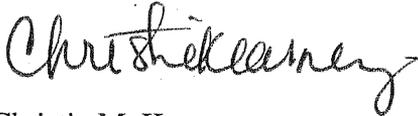
Upon review of the Candidate and Listing Priority Assignment Form about the Kittletz's murrelet, this small diving bird has a habitat preference of tidewater glaciers and offshore areas of remnant high-elevation glaciers and deglaciated coastal mountains. ARRC's Seward land reserve includes approximately 299 acres, and Whittier land reserves include 291 acres. Both of these land reserves include submerged tidelands. The Seward tidelands are not of the same nature as the Kittletz's murrelet's preferred habitat, as shown in the attached photo. Whittier's

geology may be more applicable for use by Kittletz's murrelet. However, due to their secretive nature, we believe it is highly unlikely for these birds to be found off-shore of Seward or Whittier with the heavy boating activities that occurs in the areas.

Based on this information, it is our determination that projects within the ARRC ROW and land reserves will not affect endangered, threatened, proposed, or candidate species or their critical habitat. Please provide a response indicating whether you concur with our finding. We will apply your determination to all railroad projects unless there is a change in the listed species or their known range in Alaska. If the listed species or ranges change with potential to be impacted by ARRC, we will initiate consultation with your office once again.

We are also contacting the National Marine Fisheries Service for consultation regarding endangered, threatened, and candidate species in their jurisdiction. Thank you for your assistance. Please contact me at (907) 265-2376 or Barbara Hotchkin at (907) 265-2313 if you have questions or require additional information.

Sincerely,



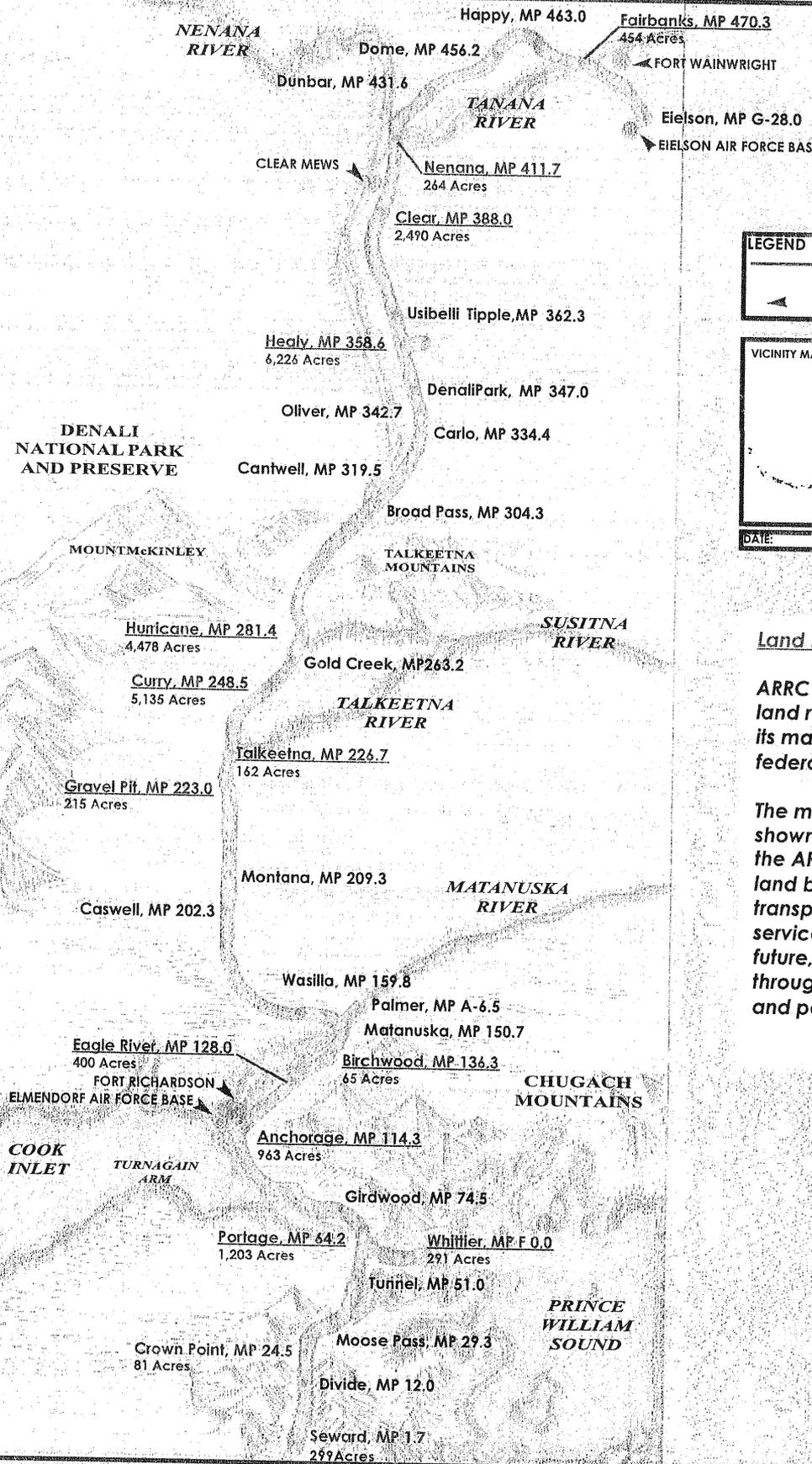
Christie M. Kearney  
Environmental Permits Analyst

Attachments



# ALASKA RAILROAD

## MAJOR LAND RESERVES



**LEGEND**

- ALASKA RAILROAD
- MILITARY INSTALLATION

**VICINITY MAP**

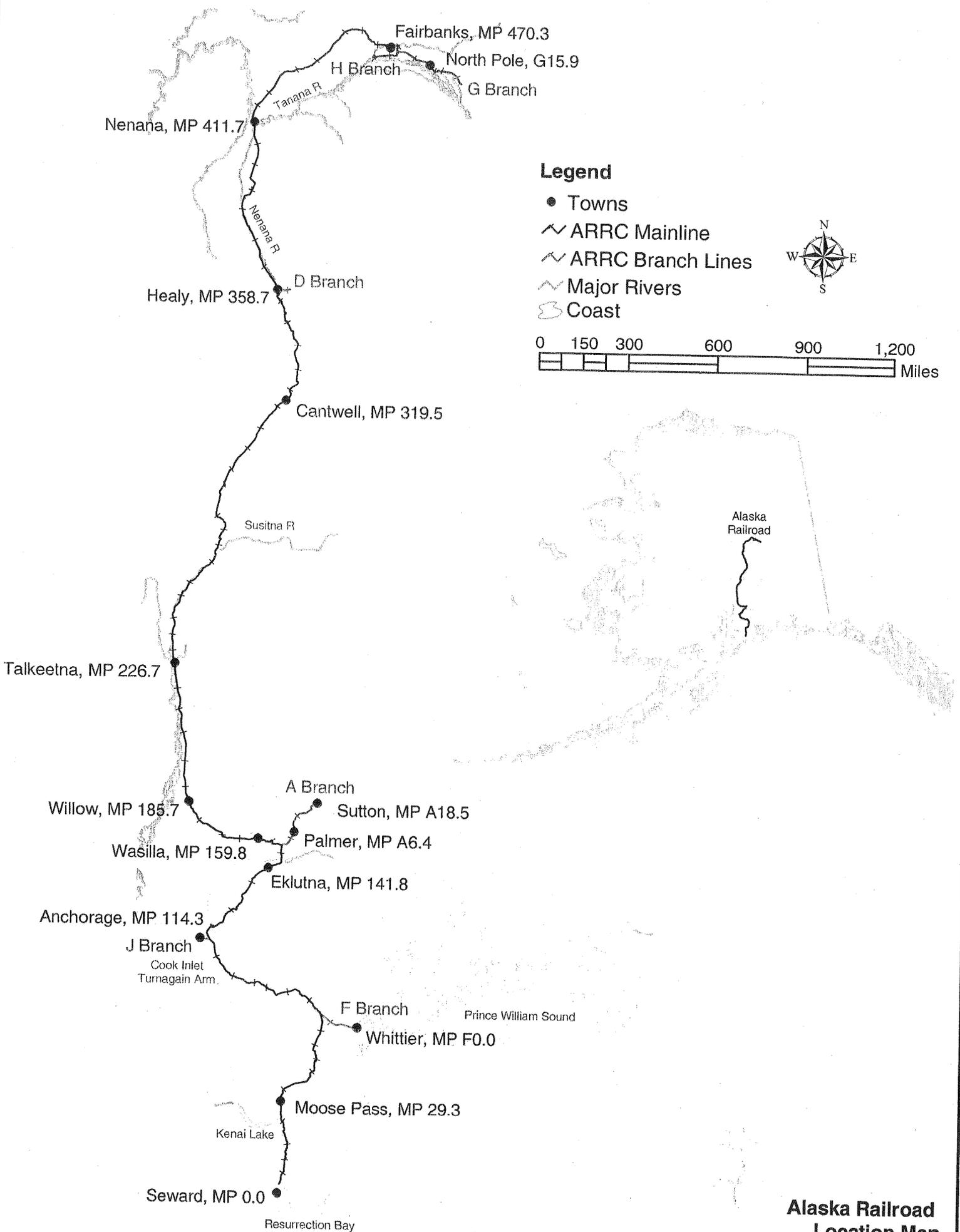
Alaska

DATE: JULY 31, 2001

Land Reserves Map:

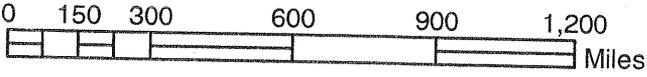
ARRC was deeded land reserves along its mainline by the federal government.

The major reserves, shown here, provide the ARRC with the land base to provide transportation services into the future, and income through land leases and permit revenue.



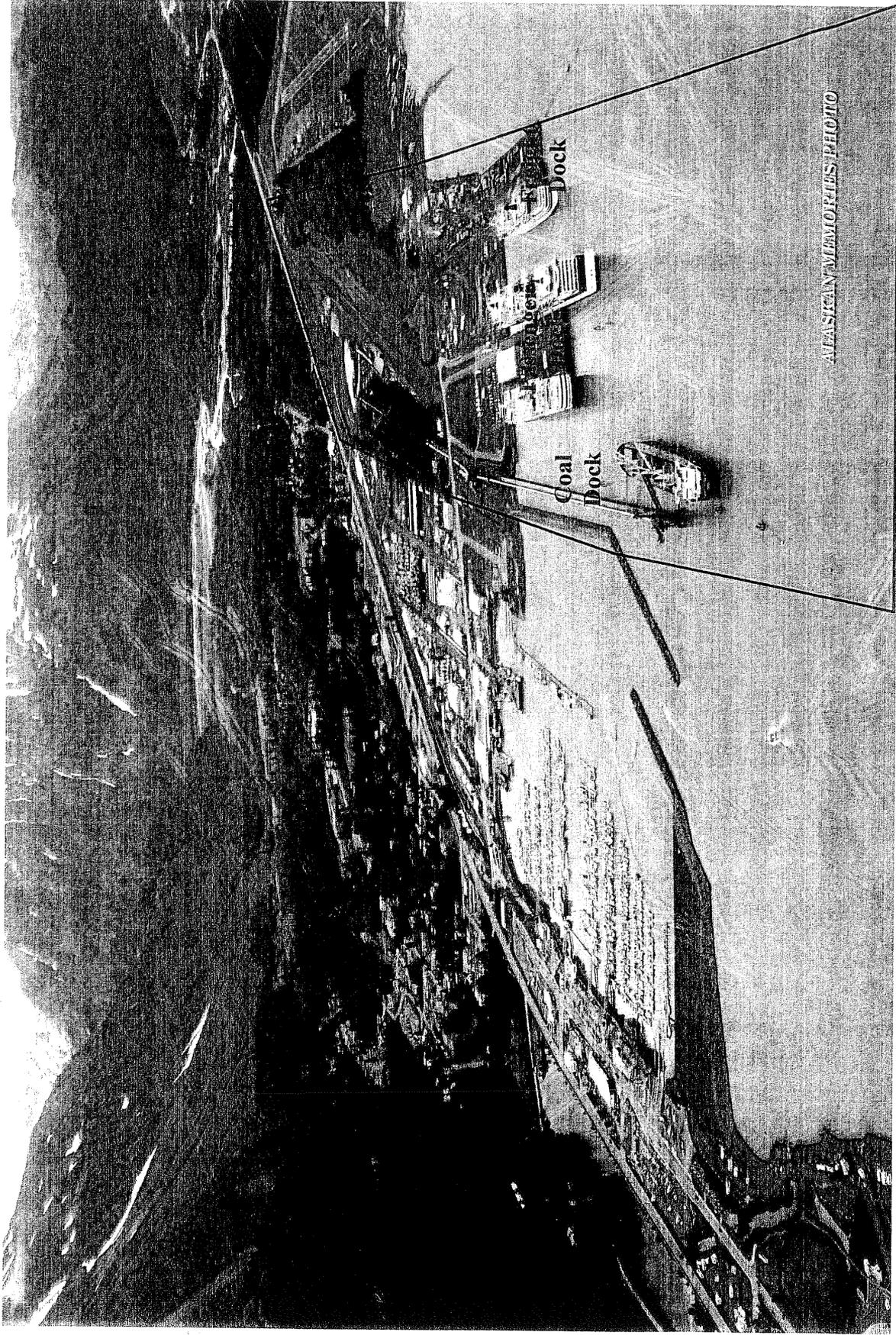
**Legend**

- Towns
- ARRC Mainline
- - - ARRC Branch Lines
- ~ Major Rivers
- ⊃ Coast



**Alaska Railroad  
Location Map**





**Note:** The land reserve extends off the photo approximately 2,000 feet south of the docks to -180 MLLW

**2005 Photo of ARRC Seward Dock  
Facilities and Land Reserve Area**

## ENDANGERED, THREATENED, PROPOSED, CANDIDATE, AND DELISTED SPECIES IN ALASKA, February, 2006

### SPECIES MANAGED BY U.S. FISH AND WILDLIFE SERVICE

SPECIES AND STATUS	Date of status	CRITICAL HABITAT DESIGNATED ON	LEAD OFFICE	RANGE IN ALASKA
<b>Endangered</b>				
Short-tailed albatross ( <i>Phoebastria albatrus</i> )	7/31/00	n/a	Anchorage	U.S. Territorial waters, Gulf of Alaska, Aleutian Islands, Bering Sea Coast, Japan, Russia, high seas
Eskimo curlew ( <i>Numenius borealis</i> )	3/11/67	n/a	Fairbanks	No longer occurs in Alaska
Aleutian shield fern ( <i>Polystichum aleuticum</i> )	2/17/88	n/a	Anchorage	Adak Island
<b>Threatened</b>				
Spectacled eider ( <i>Somateria fischeri</i> )	5/10/93	2/6/01	Fairbanks	Western and Northern Alaska (coastal)
Steller's eider ( <i>Polysticta stelleri</i> )	6/11/97	2/2/01	Fairbanks	Southwestern, Western and Northern Alaska
Northern sea otter ( <i>Enhydra lutris kenyoni</i> ) (Southwest Alaska Population)	8/09/05		Anchorage	Aleutian Islands, Alaska Peninsula, Kodiak Island
<b>Candidate</b>				
Kittletz's Murrelet ( <i>Brachyramphus brevirostris</i> )	4/4/04	n/a	Anchorage	Coastal waters in southern and northwestern Alaska
<b>Delisted</b>				
Arctic peregrine falcon ( <i>Falco peregrinus tundrius</i> )	10/5/94	n/a	Fairbanks	Northern and Western Alaska
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	8/25/99	n/a	Fairbanks	Interior Alaska
Aleutian Canada goose ( <i>Branta canadensis leucopareia</i> )	3/20/01	n/a	Anchorage	Aleutian Is., Semidi Is.

### SPECIES MANAGED BY NATIONAL MARINE FISHERIES SERVICE<sup>1,2</sup>

SPECIES AND STATUS	FREQUENCY OF OCCURRENCE	RANGE IN ALASKA
<b>Endangered</b>		
Steller sea lion ( <i>Eumetopias jubatus</i> ) west of 144°	Regular	Bering Sea, N. Pacific
Blue whale ( <i>Balaenoptera musculus</i> )	Rare	Bering Sea, Gulf of Alaska, N. Pacific
Bowhead whale ( <i>Balaena mysticetus</i> )	Regular	Chukchi Sea, Beaufort Sea
Fin whale ( <i>Balaenoptera physalus</i> )	Regular	Chukchi Sea, Bering Sea, Gulf of Alaska, N. Pacific
Humpback whale ( <i>Megaptera novaeangliae</i> )	Regular	Bering Sea, Gulf of Alaska, N. Pacific
North Pacific right whale ( <i>Eubalaena japonica</i> )	Rare	Bering Sea, Gulf of Alaska, N. Pacific
Sperm whale ( <i>Physeter macrocephalus</i> )	Regular	Bering Sea, Gulf of Alaska, N. Pacific
Sei whale ( <i>Balaenoptera borealis</i> )	Rare	Gulf of Alaska, N. Pacific
Leatherback sea turtle ( <i>Dermochelys coriacea</i> )	Rare	Gulf of Alaska
<b>Threatened</b>		
Steller sea lion ( <i>Eumetopias jubatus</i> ) east of 144°	Regular	Bering Sea, Gulf of Alaska, N. Pacific
Loggerhead sea turtle ( <i>Caretta caretta</i> )	Rare	Gulf of Alaska
Green sea turtle ( <i>Chelonia mydas</i> ) (incl. <i>agassizi</i> )	Rare	Gulf of Alaska
<b>Proposed</b>		
None		
<b>Candidate</b>		
Cook Inlet beluga whale ( <i>Delphinapterus leucas</i> )	Regular	Cook Inlet
<b>Delisted</b>		
Gray whale ( <i>Eschrichtius robustus</i> )	Regular	Chukchi Sea, Bering Sea, Gulf of Alaska, N. Pacific

<sup>1</sup>Under the Endangered Species Act of 1973, as amended, the National Marine Fisheries Service is responsible for listed anadromous and marine fishes and marine mammals other than sea otters, manatees, and dugongs.

<sup>2</sup>A number of listed trout and salmon species that spawn in the lower 48 Pacific Northwest may occur in Alaskan waters during the marine phase of their life cycle. For information on these, you may visit the NMFS Northwest Region website: <http://www.nwr.noaa.gov/> or call (206) 526-6150.

### **STATUS Definitions**

**E - Endangered:** A species which is in danger of extinction throughout all or a significant portion its range.

**T - Threatened:** A species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

**D - Delisted:** A species that has been removed from the list of threatened and endangered species. The Fish and Wildlife Service will monitor these species for a period of at least five years following delisting.

**C - Candidate:** A species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support proposals as threatened or endangered.

**P - Proposed:** A proposal rule to list this species as either threatened or endangered has been published in the Federal Register.

### **ADDRESSES AND PHONE NUMBERS**

U.S. Fish and Wildlife Service  
**Anchorage Fish and Wildlife Field Office**  
605 West 4th Avenue, Room G-61  
Anchorage, Alaska 99501  
TEL: 907-271-2888  
FAX: 907-271-2786

U.S. Fish and Wildlife Service  
**Juneau Fish and Wildlife Field Office**  
3000 Vintage Blvd., Suite 201  
Juneau, Alaska 99801-7100  
TEL: 907-586-7240  
FAX: 907-586-7099

National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
**Anchorage Field Office**  
222 West 7th Avenue, Box 43  
Anchorage, Alaska 99513-7577  
TEL: 907-271-5006

U.S. Fish and Wildlife Service  
**Fairbanks Fish and Wildlife Field Office**  
101 12th Ave. Box 19, Room 110  
Fairbanks, Alaska 99701  
TEL: 907-456-0203  
FAX: 907-456-0208

U.S. Fish and Wildlife Service  
**Alaska Regional Office**  
Division of Endangered Species  
1011 E. Tudor Road  
Anchorage, Alaska 99503-6199  
TEL: 907-786-3520  
FAX: 907-786-3350

National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
**Protected Resources Division**  
P.O. Box 21668  
Juneau, AK 99802-1668  
TEL: 907-586-7235

